

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM ESCALERA, JR.,

Plaintiff,

- against -

CAPTAIN CRUZ; C.O. AZIZ; and CITY OF NEW
YORK,

Defendants.
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ROSLYNN R. MAUSKOPF, United States District Judge.

Pro se plaintiff William Escalera, Jr., brought this action seeking damages for injuries allegedly incurred while incarcerated at Rikers Island. (Compl. (Doc. No. 1).) Following Escalera's multiple failures to appear at conferences scheduled before the Honorable Magistrate Judge Cheryl L. Pollak, Judge Pollak issued a *sua sponte* Report and Recommendation ("R&R") on October 15, 2018, recommending that this action be dismissed for failure to prosecute if Escalera does not contact the Court or defendants' counsel on or before December 14, 2018. (R&R (Doc. No. 46).) Judge Pollak reminded the parties that Federal Rule of Civil Procedure ("Rule") 72(b) requires that any objections to the R&R be filed within 14 days. (R&R at 4.) The R&R was mailed to Escalera that same day and has not been returned as undeliverable. No party filed any objection, and the time to do so has now expired.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, this action shall be dismissed for failure to prosecute *unless* Escalera contacts the Court or defendants' counsel on or before December 14, 2018. Should Escalera

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
16-CV-6753 (RRM) (CLP)

contact defendants' counsel, counsel shall notify the Court forthwith.

The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff William Escalera, Jr., at General Delivery, 390 9th Avenue, New York, NY 10001-9999; and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York
October 29, 2018

s/RRM

ROSLYNN R. MAUSKOPF
United States District Judge